

REMARKS

On page 4 of the Office Action, the Examiner contends that Applicants' citation of the New Oxford American Dictionary, Oxford Press (2001) on page 4 (third paragraph) of the amendment filed on August 15, 2002, is improper because the filing date of the application is October 27, 1997. Accordingly, the Examiner stated that it is improper to cite a dictionary published in the year 2001 as evidence for terms utilized in an application filed prior to the year 2001.

Applicants respectfully disagree with the Examiner. On October 16, 2002, the United States Court of Appeals for the Federal Circuit issued its opinion in *Texas Digital Systems, Inc. v. Telegenix, Inc.*, 308 F.3d 1193 (Fed. Cir. 2002). That case is now considered a leading case on the use of dictionaries to construe claim language. In that case, the court held that it is the issue date of the patent that is relevant to determining the use of a dictionary in construing language in a claim. In that case the court stated:

When a patent is granted prosecution is concluded, the intrinsic record is fixed, and the public is placed on notice of its allowed claims. Dictionaries, encyclopedias, and treatises, publicly available at the time the patent is issued (*emphasis added*), are objective resources that serve as reliable sources of information on the established meanings that would have been attributed to the terms of the claims by those of skill in the art. Such references are unbiased reflections of common understanding not influenced by expert testimony or events subsequent to the fixing of the intrinsic record by the grant of the patent, not colored by the motives of the parties, and not inspired by litigation. ...

308 F.3d at 1202-03

However, whether or not the issue date of the patent or the filing date of the patent application is used, the dictionary meanings of the terms "managing" and "monitoring" are the same. In the Tenth Edition of Merriam Webster's Collegiate Dictionary "managing" is defined as "to exercise executive, administrative, and supervisory direction of ..." "Monitoring" is defined as "to watch, keep track of, or check ..." These entries are attached hereto as Exhibit A. Applicants submit that these meanings in the Merriam Webster's Dictionary, which bears a

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Reply to Office Action of January 29, 2003

copyright of 1995, set forth the same meanings as the Oxford Dictionary previously cited by Applicants.

Accordingly, Applicants submit that the term "CPU manages and monitors the digital logic component" is supported by the disclosure.


The Examiner now agrees that the CPU manages the combining process. However, the Examiner contends that the disclosure does not support the CPU managing the serializer. Applicants respectfully traverse this rejection, but have amended claim 57. Thus, the rejection is moot. Applicants, however, want to make it clear that this amendment is submitted without them in any way agreeing that the Examiner's position has any merit, without abandoning the subject matter and without dedicating such subject matter to the public. Applicants specifically reserve the right to file a continuation or any other form of application to obtain all appropriate claim coverage to which they are entitled.

Should the Examiner determine that anything further is necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the Applicants undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, caused by this filing to Deposit Account Number 04-1425.

Dated: July 28, 2003

Respectfully submitted,



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Enclosure: Exhibit A

EXHIBIT A



Merriam- Webster's Collegiate® Dictionary

TENTH EDITION

Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

he Preface to
m-Webster's



A GENUINE MERRIAM-WEBSTER

The name *Webster* alone is no guarantee of excellence. It is used by a number of publishers and may serve mainly to mislead an unwary buyer.

Merriam-Webster™ is the name you should look for when you consider the purchase of dictionaries or other fine reference books. It carries the reputation of a company that has been publishing since 1831 and is your assurance of quality and authority.

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Abbreviations

— used intersectionally to express intensity of feeling (→, what a game)
2 a: **INDIVIDUAL PERSON** (a ~ could get killed there) **b**: the individual who can fulfill or who has been chosen to fulfill one's requirements (she's your ~) **3 a**: a feudal tenant: **VASSAL** **b**: an adult male servant **c pl**: the working force as distinguished from the employer and usu. the management **4 a**: one of the distinctive objects moved by each player in various board games **b**: one of the players on a team **5**: an alumnus or student at a college or university (a Bow-doin ~) **6** *Christian Science*: the compound idea of infinite Spirit: the spiritual image and likeness of God: the full representation of Mind **7 often cap**: **POLICE** (When I heard the siren, I knew it was the *Man* — *Amer. Speech*) **8 often cap**: the white establishment: white society (surprise that any black... should take on so about The *Man* — Peter Goldman) **9**: one extremely fond of or devoted to something specified (strictly a vanilla ice cream ~) — **man-less** \ˈmæn-ləs\ *adj* — **man-like** \-lɪk\ *adj* — **as one man**: with the agreement and consent of all: **UNANIMOUSLY** — **one's own man**: free from interference or control: **INDEPENDENT** — **as one man**: without exception
man *vi* **manned**; **man-ning** (12c) **1 a**: to supply with people (as for service) (→ a fleet) **b**: to station members of a ship's crew at (→ the capstan) **c**: to serve in the force or complement of (we'll ~ the concession stand while you sell tickets) **2**: to accustom (as a hawk) to humans and the human environment **3**: to furnish with strength or powers of resistance: **BRACE**
ma-na \ˈmā-nə\ *n* [of Polynesian origin; akin to Hawaiian & Maori *mana mana*] (ca. 1843) **1**: the power of the elemental forces of nature embodied in an object or person **2**: moral authority: **PRESTIGE**
man-about-town \ˈmæn-ə-baʊt-ˈtaʊn\ *n, pl men-about-town* \ˈmæn-ə\ (1734) **a**: a worldly and socially active man
man-a-cle \ˈmæ-ni-kəl\ *n* [*ME manicle*, fr. MF, fr. *L manicula*, dim. of *manus* hand — more at **MANUAL**] (14c) **1**: a shackle for the hand or wrist: **HANDCUFF** — *usu.* used in pl. **2**: something used as a restraint
manacle *vi* **man-a-cled**; **man-a-cling** \-kɪŋ\ (14c) **1**: to confine (the hands) with manacles **2**: to make fast or secure: **BIND**; **broady** (to restrain from movement, progress, or action — *see HAMPER*)
man-age \ˈmæ-nɪj\ *vb* **man-aged**; **man-ag-ing** [*fr. managere*, fr. *mano* hand, fr. *L manus*] *vi* (1561) **1**: to handle or direct with a degree of skill: as **a**: to make and keep compliant (can't ~ her child) **b**: to treat with care: **HUSBAND** (*managed* his resources carefully) **c**: to exercise executive, administrative, and supervisory direction of (→ a business) (→ a bond issue) (→ a baseball team) **2**: to work upon or try to alter for a purpose (→ the press) (→ press) **3**: to succeed in accomplishing: **PURSUVE** (*managed* to escape from prison) **4**: to direct the professional career of (an agency that ~s entertainers) ~ *vi* **1 a**: to direct or carry on business or affairs; *also*: to direct a baseball team **b**: to admit of being carried on **2**: to achieve one's purpose *syn* *see* **CONDUCT**
man-age *n* [*fr. maneggiu* management, training of a horse, fr. *maneg-giare*] (ca. 1587) **1** *archaic*: the action and paces of a trained riding horse **2**: the schooling or handling of a horse **c**: a riding school **2 obs**: **MANAGEMENT**
man-age-able \ˈmæ-ni-jə-bəl\ *adj* (1598) **a**: capable of being managed — **man-age-abil-ity** \ˈmæ-ni-jə-bɪ-lɪ-ti\ *n* — **man-age-able-ness** \ˈmæ-ni-jə-bəl-nəs\ *n* — **man-age-ably** \-blɪ\ *adv*
man-age-ment \ˈmæ-nij-mənt\ *n* (1598) **1**: the act or art of managing: the conducting or supervising of something (as a business) **2**: judicious use of means to accomplish an end **3**: the collective body of those who manage or direct an enterprise — **man-age-men-tal** \ˈmæ-nij-men-tl\ *adj*
man-ager \ˈmæ-ni-jər\ *n* (1588) **a**: one that manages: as **a**: a person who conducts business or household affairs **b**: a person whose work or profession is management. *c* (1): a person who directs a team or athlete (2): a student who in scholastic or collegiate sports supervises equipment and records under the direction of a coach — **man-a-ge-ri-al** \ˈmæ-nə-ˈjɪr-iəl\ *adj* — **man-a-ge-ri-al-ly** \-i-ə-lɪ\ *adv* — **man-ager-ship** \ˈmæ-ni-jər-ʃɪp\ *n*
man-a-ge-ress \ˈmæ-ni-jər-ɪs\ *n* (1797) **a**: a woman who is a manager
man-aging *editor* *n* (1865) **a**: an editor in executive and supervisory charge of all editorial activities of a publication (as a newspaper)
ma-na-na \ˈmɒn-ˈyā-nə\ *n* [Sp, lit., tomorrow, fr. (assumed) VL *manana*, fr. *tem* of *maneans* early, fr. *L mane* early in the morning] (1845) **a**: an indefinite time in the future
ma-nana *adv* (1879) **a**: at an indefinite time in the future
man ape *n* (ca. 1864) **1**: **GREAT APE** **2**: any of various fossil primates intermediate in characters between recent humans and the great apes
Ma-na-seah \ˈmæ-nə-sə\ *n* [*Heb Mēnashēh*] **a**: a son of Joseph and the traditional eponymous ancestor of one of the tribes of Israel **2**: a king of Judah reigning in the 7th century B.C. and noted for his attempt to establish polytheism
man-at-arms \ˈmæn-ət-ˈɑrmz\ *n, pl men-at-arms* \ˈmæn-ə\ (1581) **a**: **SOLDIER**; *esp.* a heavily armed and usu. mounted soldier
man-a-tee \ˈmæ-nə-ti\ *n* [*Sp manati*] (1555) **a**: any of a genus (*Trichechus*) of chiefly tropical aquatic herbivorous mammals that differ from the related dugong *esp.* in having the tail rounded
Man-ches-ter terrier \ˈmæn-ˌtʃes-tər-, ˌtʃə-stər-\ *n* (*Manchester*, England) (1891) **a**: any of a breed of small short-haired black-and-tan terriers developed in England
man-child \ˈmæn-ˌtʃɪld\ *n, pl men-child* \ˈmæn-ˌtʃɪl-drən-, ˌdʒrən\ (14c) **a**: male child: **SON**
man-chi-neel \ˈmæn-ˌtʃi-neɪl\ *n* [*F mancenella*, fr. Sp *manzanilla*, fr. dim. of *manzana* apple] (1630) **a**: a poisonous tropical American tree (*Hippomane mancinella*) of the spurge family having a blistering milky juice and apple-shaped fruit
Man-chu \ˈmæn-ˌtʃu, ˈmæn-ˌ\ *n, pl Manchus* (1697) **1**: a member of an indigenous people of Manchuria who conquered China and established a dynasty there in 1644 **2**: the Tungusic language of the Manchu people — **Manchu** *adj*
man-ciple \ˈmæn(t)-sɪ-pəl\ *n* [*ME*, fr. ML *mancipium* office of steward, fr. *L* act of purchase, fr. *mancip-*, *mancepse* purchaser — more at



manatee

EMANCIPATE] (13c): a steward or purveyor esp. for a college or matory
man-*c*ancy *n* *comb form* [ME *-mancie*, fr. OF, fr. L *-mantia*, *fr. -mantia*, fr. *manētia*, fr. *manētia*, fr. *manētis* *diviner*, prophet — more at *MAN*]: divination (oneir**man-*c*ancy**)
Man-dae-an \man-'dē-ən\ *n* [Mandaean *mandayyā* having knowledge (1875) 1: a member of a Gnostic sect of the lower Tigris and Euphrates regions 2: a form of Aramaic found in documents written by Mandaeans — **Mandaean** *adj*
man-da-la \man-'dā-lə\ *n* [Skt *maṇḍala* circle] (1859) 1: a Hindu-Buddhist graphic symbol of the universe; *specific*: a circle enclosing a square with a deity on each side 2: a graphic and often symmetrical pattern usu. in the form of a circle divided into four separate sections or bearing a multiple projection of an image — **man-dal-ic** \man-'dāl-ik\ *adj*
man-da-mus \man-'dā-məs\ *n* [L *we enjoin*, fr. *mandare*] (1530) writ issued by a superior court commanding the performance of a judicial official act or duty
Man-dan \man-'dan-, -dän\ *n*, *pl* **Mandan** or **Mandans** (1800s) 1: a member of an American Indian people of the Missouri River Valley No. Dakota 2: the Siouan language of the Mandans
man-da-rin \man-'dā-rən\ *n* [Pg *mandarin*, fr. Malay *mentri* Skt *mantrin* counselor, fr. *mantra* counsel — more at *MANTRA*] (1800s) 1: a public official in the Chinese Empire of any of nine *grades* b (1): a pedantic official (2): BUREAUCRAT *c*: a position and influence often in intellectual or literary circles *d*: an elder and often traditionalist or reactionary member of such a circle *cap* *a*: a form of spoken Chinese used by the court and the upper classes of the Empire *b*: the group of closely related Chinese dialects that are spoken in about four fifths of the country and have a strong variety centering about Beijing 3 [F *mandarine*, fr. Sp. *mandarina* prob. fr. *mandarin* *mandarin*, fr. Pg *mandarin*; prob. fr. the color of mandarin's robes] *a*: a small spiny orange tree (*Citrus reticulata*) of southeastern Asia with yellow to reddish orange loose-rinded fruit *also*: a derivative of this tree developed in cultivation by artificial selection or hybridization *b*: the fruit of a mandarin — **man-da-rin-ism** \man-'dā-rī-niz-əm\ *n* [F *mandarinisme*] (1604) 1: of, relating to, or typical of a mandarin (graces) 2: marked by polished ornate complexity of language (prose)
man-da-rin-ate \man-'dā-rē-nāt\ *n* [prob. fr. *mandarin*, fr. *mandarin* *mandarin*, fr. Pg *mandarin*] (*cap* 1741) 1: the office or title of a mandarin 2: a body of mandarins 3: rule by mandarins
mandarin collar *n* (1947): a narrow stand-up collar usu. worn at the front
mandarin orange *n* (1771): MANDARIN 3
man-da-tary \man-'dā-ter-ē\ *n*, *pl* **-tar-ies** (15c): MANDATORY
man-date \man-'dāt\ *n* [MF & L: MF *mandat*, fr. L *mandatus* neut. of *mandatus* pp. of *mandare* to entrust, enjoin, prob. fr. *manus* hand + *-dere* to put — more at *MANUAL*, DO] (1501) 1: an authoritative command; esp. a formal order from a superior to a subordinate official to inferior one 2: an authorization to act given to a representative (accepted the ~ of the people) 3 *a*: an order or commission granted by the League of Nations to a member nation for the establishment of a responsible government over a former German colony or other conquered territory *b*: a mandated territory
mandate (*as a territory*) under a mandate 2: to make mandatory
DER. also: DIRECT, REQUIRE
man-da-tor \man-'dā-tər\ *n* (1681): one that gives a mandate
man-da-to-ry \man-'dā-tōr-ē-, -tōr-əd\ *adj* (1576) 1: constituting a command: OBLIGATORY (~ retirement age) 2: relating to, or holding a League of Nations mandate — **man-da-to-ry-ly** \-tōr-ē-lē-, -tōr-əd\ *adv*
mandatory *n*, *pl* **-ries** (1661): one given a mandate; *esp*: D holding a mandate from the League of Nations
man-day \man-'dē\ *n* (1925): a unit of one day's work by one person
Man-de \mān-'dē-, mān-'ē\ *n* (1883) 1: MANDINGO 2: a branch of the Niger-Congo language family spoken primarily in Sierra Leone, Guinea, Ivory Coast, Mali, and Burkina Faso
man-di-ble \man-'dā-bəl\ *n* [MF, fr. LL *mandibula*, fr. L *mandibula* chew; prob. akin to Gk *masasthai* to chew] (15c) 1 *a*: JAW 2: the lower jaw consisting of a single bone or of completely fused bones; the lower jaw with its investing soft parts *c*: either the upper or lower segment of the bill of a bird 2: any of various inveterate mouthparts serving to hold or bite food materials; *esp*: either the upper or the anterior pair of mouth appendages of an arthropod often having strong biting jaws — **man-di-ble-u-lar** \man-'di-byə-lər\ *adj*
man-di-bu-late \-'dē-əd\ *adj*
Man-ding-o \mān-'dīŋ-gō\ *n*, *pl* **Mandingo** or **Mandingos** (1623) 1: a member of a people of western Africa entering in the area of the upper Niger valley 2: the language of the Mandingo people
Man-din-ka \man-'dip-kə\ *n*, *pl* **Mandinka** or **Mandinkas** (1939): MALINKÉ
man-di-o-ca \man-'dē-'ō-kə\ *var* of *MANIOC*
man-do-la \man-'dō-lə\ *n* [It, fr. F *mandore*, modif. of LL *pandura* 3-stringed lute — more at *BANDORE*] (1758): a 16th and 17th century lute that is the ancestor of the smaller mandolin
man-do-lin \man-'dō-'lin, man-'dī-'ən\ *also* **man-do-line** \man-'dā-'lēn, man-'dī-'ən\ *n* [It *mandolino*, dim. of *mandola*] (1707) 1: a musical instrument of the lute family that has a usu. pear-shaped body and fretted neck and four to six pairs of strings 2 *usu* **mandoline** [F, fr. It *mandolino* mandolin]: a kitchen utensil with a blade for slicing and shredding — **man-do-lin-ist** \man-'dō-'li-nist\ *n*
man-drag-o-ra \man-'dra-gō-rə\ *n* [ME, fr. OE, fr. L *mandragora*, fr. Gk] (bef. 12c): MANDRAKE 1
man-drake \man-'drāk\ *n* [ME, prob. alter. of *mandragora*] (14c) 1: a Mediterranean herb (*Mandragora officinarum*) of the nightshade family with ovate leaves, yellowish or purple flowers, and a large

ted root traditionally credited
 mandrake formerly used esp
 or as a narcotic and soporific
man-drel also **man-drol** \man-
 (M5) 1 a: a usu. tapered or
 into into a hole in a piece of w
 metal bar that serves as a co
 may be cast, molded, forged, ben
 bearings on which a tool (as a
man-drol \man-drol-*n* [prob. fr
 (*Papio sphinx* syn. *Mandrill*
 ngo River with the male havin
 (M5) \mān-*n* [ME, fr. OE *mān*
 (place) (bef. 12c) 1: long an
 head of some mammals (as a
 person's head — **maned** \mān-
 cat-er \man-ē-*r* *n* (16c)
 appetite for human flesh: as
 G. GREAT WHITE SHARK — **ca**
 c': a large feline (as a lion)
 feeding on human flesh — **ma**
 ned wolf *n* (1903): a yellow
 (*Canis*) inhabiting So. America
 on the nape and lower legs
nege also **ma-nege** \ma-'než-
 to training of a horse — mor
 taining horsemanship and for i
 ship or of training horses 3
man \mā-'nās, 'mā-'nēž-*n* pl [
 ancient Roman deity had honor
 erated or appeased spirit of a
neu-ver \ma-'nū-vor-*n* \nyū-
 k done by hand, fr. ML *manu*
 (*man*) (1758) 1 a: a military
 training exercise; esp: an ex
 involving military and naval
 in used in pl. 2 a: a procedur
 ment physical movement 3 a
 intended and controlled va
 the operation of an airpla
man *n* b: an adroit and c
 trickery and deception **syn**
maneuver **vb** **ma-neu-ver**; **di**
 \mā-'nū-vr-*vi* (1777) 1 a: t
 tactics in order to secure a
 inage in direction and positio
maneuers: **SCHEME** ~ *vi* 1: t
 to manage into or out of a p
 to guide with adroitness and c
 result of skillful management
man-e \nyū-*n* \nyū-'vā-*n* **adj** — **ma-ne**
 for-**man** \man-for-'mān-*a*
 Friday *n* [Friday, servant
 of Delec] (1887) an effie
 hand man
man-fal \man-'fāl-*adj* (14c): he
man-ful-ly \-fā-le-*adv* — **ma**
ga-bey \man-'gā-*bē* *n* (*f*
gascara) (1774): any of a
 of African monkeys
man-comb form [G *Mangan*
 (M5)
man-nate \man-'gā-'nāi-*n* (11
 c) **union** MnO₂ 2: **MANGANI**
man-nese \man-'gā-'nēz-, 'nē-
man-nese dioxide (1783): a gr
 element that resembles iron
man-ga-ne-sian \man-'gā-
man-nese dioxide *n* (1882): a
 an oxidizing agent, as a d
 and ceramics
man-ic \man-'gā-'nik, man-
ic (from manganese; esp: c
 five or six
man-nite \man-'gā-'nit-*n* (18
 1) that is a hydroxide of mang
 of various unstable salts m
 a base
man-nous \-nas-*adj* (1842):
man-nous: containing this elem
 (*mān*) *n* [alter. of ME *man*
 (to eat) (1540): any of v
 marked esp. by eczematous
 mastic animals or sometin
 mite — compare **SARCOP**
man-gal \man-'gāl-*n* [short for
 to reddish orange beet ext
wur-zel \-wōr-zəl-*n* [fr.
Wurzel *n*] (1767):
man-jer \mān-'jor-*n* [ME *man*
 to eat, fr. L *manducare* t
mandere to chew — more at **M**
mandible designed to hold feed c
man-gal \man-'gāl-*vi* **man-gler**
 (15c) 1: to injure with
 or, crushing (people. . .
 (kill, injure, or make incoh
 beyond recognition) *s*

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